

ESTTA Tracking number: **ESTTA320422**Filing date: **12/04/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	The Basketball Marketing Company, Inc.
Granted to Date of previous extension	12/06/2009
Address	101 Enterprise, Suite 100 Aliso Viejo, CA 92656 UNITED STATES
Attorney information	Jonathan A. Hyman Knobbe Martens Olson & Bear 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com, jhh@kmob.com Phone:3105513450

**Applicant Information**

Application No	77487655	Publication date	06/09/2009
Opposition Filing Date	12/04/2009	Opposition Period Ends	12/06/2009
Applicant	Astman, Joel 64 S. Oxford Street #3A 64 S. Oxford Street Brooklyn, NY 11217 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 041. All goods and services in the class are opposed, namely: Entertainment services, namely, providing live disc jockey services for nightclubs, parties, and concerts; remixing of musical recordings and original music composition services for others
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Priority and likelihood of confusion based on common law trademark rights

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2524407	Application Date	05/02/2000
Registration Date	01/01/2002	Foreign Priority	NONE


		Date	
Word Mark	MIX TAPE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/01 PRE-RECORDED GOODS, NAMELY PRE-RECORDED AUDIO-VIDEO TAPES AND DISCS FEATURING BASKETBALL FOOTAGE AND MUSIC		

U.S. Registration No.	2638122	Application Date	05/02/2000
Registration Date	10/22/2002	Foreign Priority Date	NONE
Word Mark	MIX TAPE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/01 CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, TANK TOPS, POLO SHIRTS, JERSEYS, SPORT SHIRTS, JACKETS, WARM-UP SUITS, PANTS, SHORTS, SWEAT PANTS, CAPS, HATS, SWEAT BANDS AND SOCKS; FOOTWEAR		

U.S. Registration No.	3052979	Application Date	12/10/2002
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	MIX TAPE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2000/07/01 First Use In Commerce: 2000/07/01		

	Entertainment services, namely organizing and presenting basketball games before live audiences and community and live sporting and cultural events featuring basketball games, basketball tournaments, basketball camps, and live musical concerts
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U.S. Registration No.	3031202	Application Date	06/16/2004
Registration Date	12/20/2005	Foreign Priority Date	NONE
Word Mark	MIX TAPE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/01 prerecorded audio and video magnetic data carriers, audio and video tapes, and audio and video optical and laser discs, all featuring basketball games and contests and music</p> <p>Class 025. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/01 clothing, namely, t-shirts, sweatshirts, tank tops, polo shirts, jerseys, sport shirts, jackets, warm-up suits, pants, shorts, sweat pants, caps, hats, sweat bands, and socks; footwear</p> <p>Class 041. First use: First Use: 2000/07/01 First Use In Commerce: 2000/07/01 entertainment services, namely, organizing and presenting basketball games before live audiences and community and live sporting and cultural events featuring basketball games, basketball tournaments, basketball camps, and live musical concerts</p>		

U.S. Registration No.	2922590	Application Date	12/18/2002
Registration Date	02/01/2005	Foreign Priority Date	NONE
Word Mark	AND 1 MIXTAPE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2004/06/01 First Use In Commerce: 2004/06/01 clothing, namely, t-shirts, sweatshirts, tank tops, polo shirts, jerseys, sport shirts, jackets, warm-up suits, athletic uniforms, pants, shorts, sweat pants, gym shorts, caps, hats, sweat bands, head bands, neck bands, wrist bands, and socks;		

	footwear
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Attachments	76038575#TMSN.gif ( 1 page )( bytes ) 76038494#TMSN.gif ( 1 page )( bytes ) 78192792#TMSN.gif ( 1 page )( bytes ) 76597691#TMSN.jpeg ( 1 page )( bytes ) 78195639#TMSN.gif ( 1 page )( bytes ) 20091204211208.pdf ( 25 pages )(1046542 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jhh/
Name	Jonathan A. Hyman
Date	12/04/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THE BASKETBALL MARKETING  
COMPANY, INC.,

Opposer,

v.

JOEL ASTMAN DBA TRUELEMENTS  
MUSIC,

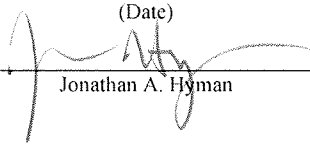
Applicant.

Opposition No.: \_\_\_\_\_  
Mark: MIXTAPES ARE NOT A CRIME  
Serial No.: 77/487,655

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://estta.uspto.gov> on

December 4, 2009

(Date)

  
Jonathan A. Hyman

**NOTICE OF OPPOSITION**

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1451  
Alexandria, VA 22313-1451

The Basketball Marketing Company, Inc., a Delaware corporation, will be damaged by the registration of the mark MIXTAPES ARE NOT A CRIME by Joel Astman dba Truelements Music ("Applicant") as shown in U.S. Trademark Application Serial No. 77/487,655 ("Applicant's Application"), and hereby opposes the same. A description of Applicant's Application is as follows:

<b>Mark:</b>	MIXTAPES ARE NOT A CRIME
<b>Serial No.:</b>	77/487,655
<b>Filing Date:</b>	May 30, 2008
<b>Filing Basis:</b>	1(b)
<b>Publication:</b>	June 9, 2009
<b>Services:</b>	<b>International Class 41:</b> Entertainment services, namely, providing live disc jockey services for nightclubs, parties, and concerts; remixing of musical recordings and original music composition services for others

As grounds for opposition, it is alleged:


1. Over the course of the past decade and since well prior to the filing date of the Applicant's Application, The Basketball Marketing Company, Inc. and its predecessors-in-interest (hereinafter collectively referred to as "Opposer") have operated a touring exhibition of basketball talent and have sold merchandise under the marks MIX TAPE<sup>®</sup> and AND 1 MIXTAPE<sup>®</sup> (the "MIX TAPE Marks"). Since 1999, Opposer has extensively promoted and used

the MIX TAPE Marks in connection with a wide variety of goods and services, including multi-media goods (e.g., tapes and discs that include music and spoken word), footwear, apparel, and live entertainment services, and television shows, among many others. Indeed, over the course of the past ten years, the MIX TAPE Marks have garnered a tremendous amount of publicity, drawing huge crowds and attracting a national following. The MIX TAPE tour is televised nationally on ESPN and is rebroadcast in numerous highlight reels.

2. As a result of the over ten years of use and promotion and the success of the tour, Opposer has developed a significant amount of goodwill in the MIX TAPE Marks and brand, and consumers have come to recognize goods and services provided under the MIX TAPE Marks as originating from Opposer. By virtue of Opposer's widespread and continuous use of its MIX TAPE Marks, Opposer has established extensive common law rights in the MIX TAPE Marks. Moreover, as a result of these efforts, Opposer's MIX TAPE Marks have become famous in the minds of consumers, consistently ranking as a well respected brand.

3. Opposer owns several United States trademark registrations for the MIX TAPE Marks, covering a wide-range of goods and services, including the following trademark registrations:

MARK	REG. NO.	CLASS	GOODS
MIX TAPE	2,524,407	9	Pre-recorded goods, namely pre-recorded audio-video tapes and discs featuring basketball footage and music
MIX TAPE	2,638,122	25	Clothing, namely t-shirts, sweatshirts, tank tops, polo shirts, jerseys, sport shirts, jackets, warm-up suits, pants, shorts, sweat pants, caps, hats, sweat bands and socks; footwear
MIX TAPE	3,052,979	41	Entertainment services, namely organizing and presenting basketball games before live audiences and community and live sporting and cultural events featuring basketball games, basketball tournaments, basketball camps, and live musical concerts
MIX TAPE	3,031,202	9, 25, 41	Prerecorded audio and video magnetic data carriers, audio and video tapes, and audio and video optical and laser discs, all featuring basketball games and contests and music  Clothing, namely, t-shirts, sweatshirts, tank tops, polo shirts, jerseys, sport shirts, jackets, warm-up suits, pants, shorts, sweat pants, caps, hats, sweat bands, and socks; footwear  Entertainment services, namely, organizing and presenting basketball games before live audiences and community and live sporting and cultural events featuring basketball games, basketball tournaments, basketball camps, and live musical concerts

	2,922,590	25	Clothing, namely, t-shirts, sweatshirts, tank tops, polo shirts, jerseys, sport shirts, jackets, warm-up suits, athletic uniforms, pants, shorts, sweat pants, gym shorts, caps, hats, sweat bands, head bands, neck bands, wrist bands, and socks; footwear
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True and correct copies of printouts from the electronic database records of the PTO showing the current status and title of the registrations for these trademarks, as well as true and correct copies of the Certificates of Registration are attached hereto as Exhibit A.

4. Opposer's Registration Nos. 2,524,407 and 2,638,122 are incontestable and all of the registrations relied upon herein are valid, subsisting, unrevoked and uncanceled. Opposer's incontestable Registration Nos. Nos. 2,524,407 and 2,638,122 constitute *conclusive* evidence of the validity of the registered marks, the registration thereof, and of Opposer's ownership of the marks shown therein, as provided in Section 33(b) of the Trademark Act, and Opposer's Registration Nos. 3,052,979, 3,031,202, and 2,922,590 constitute *prima facie* evidence of the validity of these registered marks, the registration thereof, and of Opposer's ownership of the marks shown therein as provided in Section 33(a) of the Trademark Act. All of Opposer's registrations relied on herein constitute use of Opposer's marks, conferring a right of priority nationwide in effect, as of the filing dates of the applications therefore as provided in Section 7(c) of the Trademark Act. The filing dates of Opposer's registrations relied on herein are all prior to the filing date of Applicant's Application.

5. If Applicant is permitted to register the mark shown in Applicant's Application, Applicant's corresponding *prima facie* exclusive right to use the MIXTAPES ARE NOT A CRIME mark in nationwide commerce will conflict with Opposer's lawful and exclusive right to use the MIX TAPE Marks nationwide.

6. Applicant's mark contains the MIX TAPE portion of the MIX TAPE Marks *in its entirety* and is confusingly similar to the MIX TAPE Marks.

7. The services identified in Applicant's Application are virtually identical to or highly-related to the services offered and registered by Opposer under the MIX TAPE Marks and the respective services are marketed or will be marketed to the same consumers and potential consumers in the same channels of trade.

8. Opposer will be damaged by the registration of Applicant's Application for the MIXTAPES ARE NOT A CRIME mark in that the MIXTAPES ARE NOT A CRIME mark so resembles Opposer's MIX TAPE Marks, registered in the PTO, and in which Opposer owns

common law rights, as to be likely, when used on or in connection with the goods identified in Applicant's Application, as to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

9. In view of Opposer's prior rights in the MIX TAPE Marks individually and as an overall family of marks, Applicant is not entitled to registration of the MIXTAPES ARE NOT A CRIME mark, pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

10. Through extensive use, advertising, and global success of the MIX TAPE Marks, the MIX TAPE Marks have become famous for Opposer's goods and services since a date prior to the filing date of Applicant's Application.

11. Applicant's use and registration of the MIXTAPES ARE NOT A CRIME mark shown in Applicant's Application will cause or is likely to cause dilution of the distinctive quality of Opposer's MIX TAPE Marks within the meaning of Section 43(c) of the Trademark Act, 15 U.S.C. §1125(c).

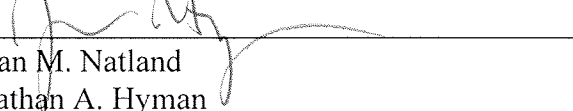
12. By reason of the foregoing, Opposer will be gravely damaged by the registration of the mark shown in Applicant's Application.

WHEREFORE, Opposer prays that Applicant's Application Serial No. 77/487,655 be rejected and stricken, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 4, 2009

By:   
Susan M. Natland  
Jonathan A. Hyman  
Jeffrey H. Larson  
2040 Main Street, 14<sup>th</sup> Floor  
Irvine, CA 92614  
(310) 551-3450  
Attorneys for Opposer,  
The Basketball Marketing Company, Inc.



**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon Applicant by depositing one copy thereof in the United States Mail, first-class postage prepaid on December 4, 2009, addressed as follows:

James E. Rosini, Esq.  
KENYON & KENYON LLP  
1 Broadway  
New York, NY 10004-1007

  
\_\_\_\_\_  
Jonathan A. Hyman

8196986\_2

# **EXHIBIT A**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**United States Patent and Trademark Office**

**Reg. No. 2,524,407**

**Registered Jan. 1, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**MIX TAPE**

**BMC PLAYERS INC. (DELAWARE CORPORATION)  
300 DELAWARE AVENUE  
WILMINGTON, DE 19801**

**FIRST USE 7-1-1999; IN COMMERCE 7-1-1999.**

**FOR: PRE-RECORDED GOODS, NAMELY PRE-RECORDED AUDIO-VIDEO TAPES AND DISCS FEATURING BASKETBALL FOOTAGE AND MUSIC, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

**SER. NO. 76-038,575, FILED 5-2-2000.**

**JOANNA MATEJA, EXAMINING ATTORNEY**



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## Typed Drawing

Word Mark MIX TAPE

Goods and Services IC 009. US 021 023 026 036 038. G &amp; S: PRE-RECORDED GOODS, NAMELY PRE-RECORDED AUDIO-VIDEO TAPES AND DISCS FEATURING BASKETBALL FOOTAGE AND MUSIC. FIRST USE: 19990701. FIRST USE IN COMMERCE: 19990701

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76038575

Filing Date May 2, 2000

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition October 9, 2001

Registration Number 2524407

Registration Date January 1, 2002

Owner (REGISTRANT) BMC Players Inc. CORPORATION DELAWARE Suite 200 103 Foulk Road Wilmington DELAWARE 19803

(LAST LISTED OWNER) THE BASKETBALL MARKETING COMPANY, INC. CORPORATION DELAWARE 101 ENTERPRISE SUITE 100 ALISO VIEJO CALIFORNIA 92656

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Susan M. Natland

12/2/2009

Trademark Electronic Search System (T...

Type of Mark TRADEMARK  
Register PRINCIPAL  
Affidavit Text SECT 15. SECT 8 (6-YR).  
Live/Dead Indicator LIVE

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Assignments on the Web > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [76038575](#)**Filing Dt:** 05/02/2000**Reg #:** [2524407](#)**Reg. Dt:** 01/01/2002**Registrant:** BMC Players Inc.**Mark:** MIX TAPE**Assignment: 1****Reel/Frame:** [3900/0584](#)**Received:** 12/10/2008**Recorded:** 12/10/2008**Pages:** 6**Conveyance:** MERGER**Assignor:** [BMC PLAYERS, INC.](#)**Exec Dt:** 10/09/2008**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [THE BASKETBALL MARKETING COMPANY, INC.](#)

101 ENTERPRISE

SUITE 100

ALISO VIEJO, CALIFORNIA 92656

**Correspondent:** SCOTT BRADLEY SCHWARTZ

1900 MARKET ST

PHILADELPHIA, 95 19103

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**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 2,638,122**

**Registered Oct. 22, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**MIX TAPE**

BMC PLAYERS INC. (DELAWARE CORPORATION)  
300 DELAWARE AVENUE  
SUITE 900  
WILMINGTON, DE 19801

SWEAT BANDS AND SOCKS; FOOTWEAR, IN  
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-1-1999; IN COMMERCE 7-1-1999.

FOR: CLOTHING, NAMELY, T-SHIRTS, SWEAT-  
SHIRTS, TANK TOPS, POLO SHIRTS, JERSEYS,  
SPORT SHIRTS, JACKETS, WARM-UP SUITS,  
PANTS, SHORTS, SWEAT PANTS, CAPS, HATS,

SER. NO. 76-038,494, FILED 5-2-2000.

JOANNA MATEJA, EXAMINING ATTORNEY



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#### Typed Drawing

**Word Mark** MIX TAPE

**Goods and Services** IC 025. US 022 039. G & S: CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, TANK TOPS, POLO SHIRTS, JERSEYS, SPORT SHIRTS, JACKETS, WARM-UP SUITS, PANTS, SHORTS, SWEAT PANTS, CAPS, HATS, SWEAT BANDS AND SOCKS; FOOTWEAR. FIRST USE: 19990701. FIRST USE IN COMMERCE: 19990701

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76038494

**Filing Date** May 2, 2000

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** July 30, 2002

**Registration Number** 2638122

**Registration Date** October 22, 2002

**Owner** (REGISTRANT) BMC Players Inc. CORPORATION DELAWARE 101 Enterprise Suite 100 Viejo CALIFORNIA 92656

(LAST LISTED OWNER) THE BASKETBALL MARKETING COMPANY, INC. CORPORATION DELAWARE 101 ENTERPRISE SUITE 100 ALISO VIEJO CALIFORNIA 92656

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of** Susan M. Natland



12/2/2009

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CUSAN M. NATANA

**Type of  
Mark**

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PRINCIPAL

**Affidavit  
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Assignments on the Web > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [76038494](#)**Filing Dt:** 05/02/2000**Reg #:** [2638122](#)**Reg. Dt:** 10/22/2002**Registrant:** BMC Players Inc.**Mark:** MIX TAPE**Assignment: 1****Reel/Frame:** [3900/0584](#)**Received:** 12/10/2008**Recorded:** 12/10/2008**Pages:** 6**Conveyance:** MERGER**Assignor:** [BMC PLAYERS, INC.](#)**Exec Dt:** 10/09/2008**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [THE BASKETBALL MARKETING COMPANY, INC.](#)

101 ENTERPRISE

SUITE 100

ALISO VIEJO, CALIFORNIA 92656

**Correspondent:** SCOTT BRADLEY SCHWARTZ

1900 MARKET ST

PHILADELPHIA, 95 19103

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Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,052,979

Registered Jan. 31, 2006

SERVICE MARK  
PRINCIPAL REGISTER

MIX TAPE

BMC PLAYERS, INC. (DELAWARE CORPORATION)  
300 DELAWARE AVENUE  
WILMINGTON, DE 19801

FOR: ENTERTAINMENT SERVICES, NAMELY ORGANIZING AND PRESENTING BASKETBALL GAMES BEFORE LIVE AUDIENCES AND COMMUNITY AND LIVE SPORTING AND CULTURAL EVENTS FEATURING BASKETBALL GAMES, BASKETBALL TOURNAMENTS, BASKETBALL CAMPS, AND LIVE MUSICAL CONCERTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-1-2000; IN COMMERCE 7-1-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,524,407 AND 2,638,122.

SEC. 2(F).

SER. NO. 78-192,792, FILED 12-10-2002.

KARLA PERKINS, EXAMINING ATTORNEY



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# MIX TAPE

**Word Mark** MIX TAPE

**Goods and Services** IC 041. US 100 101 107. G & S: Entertainment services, namely organizing and presenting basketball games before live audiences and community and live sporting and cultural events featuring basketball games, basketball tournaments, basketball camps, and live musical concerts. FIRST USE: 20000701. FIRST USE IN COMMERCE: 20000701

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 78192792

**Filing Date** December 10, 2002

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** November 8, 2005

**Registration Number** 3052979

**Registration Date** January 31, 2006

**Owner** (REGISTRANT) BMC Players, Inc. CORPORATION DELAWARE 300 Delaware Avenue Wilmington DELAWARE 19801

(LAST LISTED OWNER) THE BASKETBALL MARKETING COMPANY, INC. CORPORATION DELAWARE 101 ENTERPRISE SUITE 100 ALISO VIEJO CALIFORNIA 92656

**Assignment Recorded** ASSIGNMENT RECORDED

12/2/2009

Trademark Electronic Search System (T...

**Attorney of  
Record** Susan M. Natland

**Prior  
Registrations** 2524407;2638122

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL-2(F)

**Live/Dead  
Indicator** LIVE

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Assignments on the Web > Trademark Query**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** 78192792**Filing Dt:** 12/10/2002**Reg #:** 3052979**Reg. Dt:** 01/31/2006**Registrant:** BMC Players, Inc.**Mark:** MIX TAPE**Assignment: 1****Reel/Frame:** 3900/0584**Received:** 12/10/2008**Recorded:** 12/10/2008**Pages:** 6**Conveyance:** MERGER**Assignor:** BMC PLAYERS, INC.**Exec Dt:** 10/09/2008**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** THE BASKETBALL MARKETING COMPANY, INC.

101 ENTERPRISE

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**Correspondent:** SCOTT BRADLEY SCHWARTZ

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Int. Cls.: 9, 25 and 41

Prior U.S. Cls.: 21, 22, 23, 26, 36, 38, 39, 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,031,202

Registered Dec. 20, 2005

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

**MIX TAPE**

THE BASKETBALL MARKETING COMPANY,  
INC. (DELAWARE CORPORATION)  
4 INDUSTRIAL BOULEVARD  
PAOLI, PA 19301

FOR: PRERECORDED AUDIO AND VIDEO  
MAGNETIC DATA CARRIERS, AUDIO AND VI-  
DEO TAPES, AND AUDIO AND VIDEO OPTICAL  
AND LASER DISCS, ALL FEATURING BASKET-  
BALL GAMES AND CONTESTS AND MUSIC, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-1-1999; IN COMMERCE 7-1-1999.

FOR: CLOTHING, NAMELY, T-SHIRTS, SWEAT-  
SHIRTS, TANK TOPS, POLO SHIRTS, JERSEYS,  
SPORT SHIRTS, JACKETS, WARM-UP SUITS,  
PANTS, SHORTS, SWEAT PANTS, CAPS, HATS,  
SWEAT BANDS, AND SOCKS; FOOTWEAR, IN  
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-1-1999; IN COMMERCE 7-1-1999.

FOR: ENTERTAINMENT SERVICES, NAMELY,  
ORGANIZING AND PRESENTING BASKETBALL  
GAMES BEFORE LIVE AUDIENCES AND COMMU-  
NITY AND LIVE SPORTING AND CULTURAL  
EVENTS FEATURING BASKETBALL GAMES, BAS-  
KETBALL TOURNAMENTS, BASKETBALL  
CAMPS, AND LIVE MUSICAL CONCERTS, IN  
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-1-2000; IN COMMERCE 7-1-2000.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,524,407 AND  
2,638,122.

SEC. 2(F).

SER. NO. 76-597,691, FILED 6-16-2004.

MICHELE SWAIN, EXAMINING ATTORNEY



## Trademarks > Trademark Electronic Search System (TESS)

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# MIX TAPE

Word Mark MIX TAPE

Goods and Services IC 009. US 021 023 026 036 038. G & S: prerecorded audio and video magnetic data carriers, audio and video tapes, and audio and video optical and laser discs, all featuring basketball games and contests and music. FIRST USE: 19990701. FIRST USE IN COMMERCE: 19990701

IC 025. US 022 039. G & S: clothing, namely, t-shirts, sweatshirts, tank tops, polo shirts, jerseys, sport shirts, jackets, warm-up suits, pants, shorts, sweat pants, caps, hats, sweat bands, and socks; footwear. FIRST USE: 19990701. FIRST USE IN COMMERCE: 19990701

IC 041. US 100 101 107. G & S: entertainment services, namely, organizing and presenting basketball games before live audiences and community and live sporting and cultural events featuring basketball games, basketball tournaments, basketball camps, and live musical concerts. FIRST USE: 20000701. FIRST USE IN COMMERCE: 20000701

Standard  
Characters  
Claimed

Mark  
Drawing Code (4) STANDARD CHARACTER MARK

Serial  
Number 76597691

Filing Date June 16, 2004

Current  
Filing Basis 1A

Original  
Filing Basis 1A

Published  
for September 27, 2005  
Opposition

Registration  
Number 3031202



12/2/2009

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**International**

**Registration Number** 0848950

**Registration Date** December 20, 2005

**Owner** (REGISTRANT) The Basketball Marketing Company, Inc. CORPORATION DELAWARE 4 Industrial Boulevard Paoli PENNSYLVANIA 19301

**Attorney of Record** Susan M. Natland

**Prior Registrations** 2524407;2638122

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL-2(F)

**Live/Dead Indicator** LIVE

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**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 2,922,590**

**Registered Feb. 1, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**



BMC PLAYERS, INC. (DELAWARE CORPORATION)

300 DELAWARE AVENUE SUITE 900  
WILMINGTON, DE 19801

FOR: CLOTHING, NAMELY, T-SHIRTS, SWEAT-SHIRTS, TANK TOPS, POLO SHIRTS, JERSEYS, SPORT SHIRTS, JACKETS, WARM-UP SUITS, ATHLETIC UNIFORMS, PANTS, SHORTS, SWEAT PANTS, GYM SHORTS, CAPS, HATS, SWEAT BANDS, HEAD BANDS, NECK BANDS, WRIST

BANDS, AND SOCKS; FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-1-2004; IN COMMERCE 6-1-2004.

OWNER OF U.S. REG. NOS. 1,898,164, 2,638,122 AND OTHERS.

SER. NO. 78-195,639, FILED 12-18-2002.

STEVEN BERK, EXAMINING ATTORNEY



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**Word Mark** AND 1 MIXTAPE  
**Goods and Services** IC 025. US 022 039. G & S: clothing, namely, t-shirts, sweatshirts, tank tops, polo shirts, jerseys, sport shirts, jackets, warm-up suits, athletic uniforms, pants, shorts, sweat pants, gym shorts, caps, hats, sweat bands, head bands, neck bands, wrist bands, and socks; footwear. FIRST USE: 20040601.  
 FIRST USE IN COMMERCE: 20040601  
**Mark**  
**Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 14.01.03 - Cables, electrical, With electric plugs; Cords, electrical (with plugs); Electrical wire/cables, With plug; Plugs, electrical  
 16.01.07 - Head phones; Headphones; Headsets; Microphones  
 21.03.20 - Basketballs  
**Serial Number** 78195639  
**Filing Date** December 18, 2002  
**Current Filing Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** November 9, 2004  
**Registration Number** 2922590  
**Registration Date** February 1, 2005

12/2/2009

Trademark Electronic Search System (T...

**Owner** (REGISTRANT) BMC Players, Inc. CORPORATION DELAWARE 300 Delaware Avenue Suite 900  
Wilmington DELAWARE 19801

(LAST LISTED OWNER) THE BASKETBALL MARKETING COMPANY, INC. CORPORATION  
DELAWARE 101 ENTERPRISE SUITE 100 ALISO VIEJO CALIFORNIA 92656

**Assignment  
Recorded** ASSIGNMENT RECORDED

**Attorney of  
Record** Susan M. Natland

**Prior  
Registrations** 1898164;2250202;2524407;2638122

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead  
Indicator** LIVE

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Assignments on the Web > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [78195639](#)**Filing Dt:** 12/18/2002**Reg #:** [2922590](#)**Reg. Dt:** 02/01/2005**Registrant:** BMC Players, Inc.**Mark:** AND 1 MIXTAPE**Assignment: 1****Reel/Frame:** [3900/0584](#)**Received:** 12/10/2008**Recorded:** 12/10/2008**Pages:** 6**Conveyance:** MERGER**Assignor:** [BMC PLAYERS, INC.](#)**Exec Dt:** 10/09/2008**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [THE BASKETBALL MARKETING COMPANY, INC.](#)

101 ENTERPRISE

SUITE 100

ALISO VIEJO, CALIFORNIA 92656

**Correspondent:** SCOTT BRADLEY SCHWARTZ

1900 MARKET ST

PHILADELPHIA, 95 19103

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